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 31 YUGA LABS, INC.

32 UNITED STATES DISTRICT COURT

33 DISTRICT OF NEVADA

34 YUGA LABS, INC.,

35 Case No.: 2:23-cv-00010-APG-NJK

36 Plaintiff and  
 37 Counterclaim Defendant,

38 **[USDC, Central District of California**  
 39 **Civil Case No. 2:22-cv-4355-JFW-JEM]**

40 v.

41 RYDER RIPPS and JEREMY CAHEN,

42 **YUGA LABS, INC.’S NOTICE OF NON-**  
 43 **OPPOSITION TO MOTION TO COMPEL**  
 44 **NON-PARTY RYAN HICKMAN’S**  
 45 **COMPLIANCE WITH SUBPOENA AND**  
 46 **MOTION TO REDACT AND SEAL**  
 47 **PORTIONS OF MOTION TO COMPEL**  
 48 **AND DECLARATION OF KIMBERLY**  
 49 **CULP IN SUPPORT THEREOF**

50 Defendants and  
 51 Counterclaim Plaintiffs.

1      **I. INTRODUCTION**

2      Pending before this Court is Plaintiff Yuga Labs, Inc.'s Motion to Compel Non-Party  
 3      Ryan Hickman's Compliance with Subpoena (ECF Nos. 10-13) and Motion to Redact Portions  
 4      of its Motion to Compel and Declaration of Kimberly Culp in Support Thereof and to Seal  
 5      Exhibit P Thereto (ECF No. 9) ("Motions"). Mr. Hickman has failed to file a response in  
 6      opposition to the Motions, and the time to do so has passed. Accordingly, pursuant to Civil  
 7      Local Rule 7-2(d), and for good cause shown, Yuga Labs hereby requests that the Court grant its  
 8      Motions.

9      **II. ARGUMENT**

10     The Federal and Local Rules provide parties 14 days to respond to motions that are  
 11     personally served and 17 days to respond to motions served by mail. L.R. 7-2(b) ("[T]he  
 12     deadline to file and serve any points and authorities in response to [a] motion is 14 days after  
 13     service of the motion."); Fed. R. Civ. P. 6(d) ("When a party must act within a specified time  
 14     after being served and service is made under Federal Rule of Civil Procedure 5(b)(2)(C) (mail), .  
 15     . . 3 days are added after the period would otherwise expire."). "The failure of an opposing party  
 16     to file points and authorities in response to [a] motion . . . constitutes a consent to the granting of  
 17     the motion." L.R. 7-2(d).

18     Mr. Hickman was properly served with Yuga Labs' Motions by mail through the United  
 19     States Postal Service to his home address on Friday, January 6, 2023. *See* Fed. R. Civ. P.  
 20     5(b)(2)(C); ECF Nos. 9-13. Pursuant to Local Rule 7-2(b) and Federal Rule of Civil Procedure  
 21     6(d), Mr. Hickman's response was due on or before Monday, January 23, 2023 (17 days after  
 22     service of the Motions by U.S. mail). The January 23 deadline came and went, and Mr. Hickman  
 23     failed to respond to Yuga Labs' Motions, despite receiving ample notice of the Motions.<sup>1</sup> Indeed,  
 24     even if Yuga Labs' service by mail on January 6, 2023, were somehow improper (it is not), Yuga  
 25     Labs also personally served Mr. Hickman on Friday, January 13, 2023. ECF No. 14. Calculating  
 26     from this date, Mr. Hickman's response would have been due on Friday, January 27, 2023 (14  
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28     <sup>1</sup> Mr. Hickman was also served the Motions via email on January 6, 2023 (ECF Nos. 9-13).

1 days after personal service), yet he *still* failed to respond to the Motions. L.R. 7-2(b). As of the  
2 filing date of this Notice of Non-Opposition, one week after his response was due, Mr. Hickman  
3 has yet to file a single response to the Motions.

4 Mr. Hickman's failure to timely respond constitutes consent to the granting of the  
5 Motions. L.R. 7-2(d). Courts in this district routinely grant motions to compel and motions to  
6 seal when the opposing party does not file a response. *See Sprint Nextel Corp. v. Ace Wholesale,*  
7 *Inc.*, No. 2:14-cv-2119-RFB-VCF, 2015 WL 3649623, at \*3 (D. Nev. June 10, 2015) (granting  
8 motion to compel subpoenaed third parties to produce documents where opposing party did not  
9 file a response because "the failure of an opposing party to file points and authorities in response  
10 to any motion shall constitute a consent to the granting of the motion."); *DelVecchia v. Frontier  
11 Airlines, Inc.*, 2022 WL 3146322, at \*1 (D. Nev. Aug. 5, 2022) (granting unopposed motion to  
12 seal documents in support of motion to compel). Given Mr. Hickman's *de facto* consent to the  
13 Motions, and Yuga Labs' arguments and authority in support of its Motions, this Court should  
14 grant the Motions.

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### III. CONCLUSION

Based on the foregoing, and for good cause shown, Yuga Labs respectfully requests that this Court grant its Motion to Compel Non-Party Ryan Hickman's Compliance and Motion to Redact Portions of its Motion to Compel and Declaration of Kimberly Culp in Support Thereof and to Seal Exhibit P Thereto in accordance with the concurrently filed Proposed Order.

Dated: January 30, 2023

## FENNEMORE CRAIG P.C.

By: /s/ John D. Tennert III

JOHN D. TENNERT III (NSB 11728)

and

FENWICK & WEST LLP

ERIC BALL (CSB 241327)

KIMBERLY CULP (CSB 238839)

ANTHONY M. FARES (CSB 318065)

ETHAN M. THOMAS (CS)  
(*Probationer for the year*)

*Attorneys for Plaintiff Yuga Labs, Inc.*

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2 **CERTIFICATE OF SERVICE**

3 I hereby certify that on January 30, 2023, I served a true and correct copy of the following  
 4 documents were served via email and U.S. mail:

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- YUGA LABS, INC.'S NOTICE OF NON-OPPOSITION TO MOTION TO COMPEL  
 NON-PARTY RYAN HICKMAN'S COMPLIANCE WITH SUBPOENA AND  
 MOTION TO REDACT AND SEAL PORTIONS OF MOTION TO COMPEL AND  
 DECLARATION OF KIMBERLY CULP IN SUPPORT THEREOF

addressed as follows:

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 Attorneys for Defendants

Served via email, U.S. mail and will be served  
 by personal service to:

**Ryan Hickman**  
 Henderson, NV 89012  
 Email: [kingsrborn@gmail.com](mailto:kingsrborn@gmail.com)

*/s/ Debbie Sorensen*  
 An Employee of Fennemore Craig, P.C.

## INDEX OF EXHIBITS

**Exhibit No.      Description**

## 1 (Proposed) Order